

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL (LODG) NO.14 OF 2007

IN

SUIT NO.348 OF 1988

1.The Board of Trustees of the
Port of Bombay and another. ...Appellants.

VS.

Indrakumar Ramchandra Gupta. ...Respondent.

Mr.U.J.Makhija i/b. Mulla & Mulla & Craigie Blunt &
Caroe, for Appellants.

Ms.Suchitra Patra, for Respondent.

CORAM: D.K.DESHMUKH &

J.H.BHATIA, JJ.

DATED: 24th July, 2007.

P.C.:-

Heard the learned Counsel appearing for both the sides. The appeal is disposed of in the following terms:-

1. The order passing decree dated 7.7.2006 is set aside. The written statement tendered by the defendant is taken on record, subject to the condition that within a period of Eight weeks from today, the appellants deposit an amount of Rs.12,00,000/- (Rupees Twelve lakhs only) and pay as and by way of cost of this appeal Rs.10,000/- to the respondent with due intimation to the respondent-plaintiff.

2. The amount so deposited shall be invested in fixed deposit in a nationalised bank to the credit of the suit.

3. Both the sides, the plaintiffs and the defendant, shall be at liberty to apply before the learned Single Judge for withdrawal of the amount. In case such an application is made, it shall be decided on its own merit in accordance with law.

Appeal is disposed of.

(D.K.DESHMUKH, J.)

(J.H.BHATIA, J.)

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